



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

16 FEB 2017

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6126 0914

The Honorable William F. Peard
Mayor, City of Waukee
230 West Hickman Road
Waukee, Iowa 50263

Dear Mayor Peard:

This letter requests information regarding compliance by the City of Waukee, Iowa, with requirements of its National Pollutant Discharge Elimination System Permit No. IA0078875. The purpose of this letter is to obtain additional information so that the U.S. Environmental Protection Agency can determine the facility's compliance with the Clean Water Act. Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.*, including information to determine whether a person is in compliance with the CWA. Under the authority of Section 308(a) of the CWA, the EPA hereby requires the City of Waukee to provide the information requested in ENCLOSURE 1 within **fifteen (15) days** of your receipt of this letter.

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request. Your response to this request must be accompanied by a certificate that is signed and dated by an authorized representative of the facility, as identified by 40 C.F.R. § 122.22. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. A Statement of Certification is enclosed with this letter (ENCLOSURE 2).

Important Information about This Request and the Response

Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. § 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. § 2, Subpart B. If no such claim accompanies the information when it



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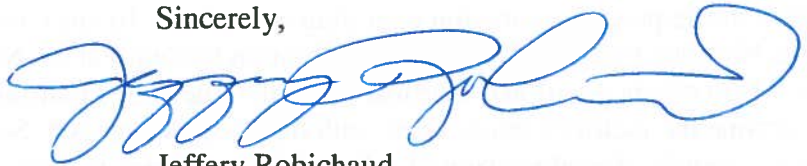
is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification (ENCLOSURE 2), shall be sent in a manner that allows you to track delivery and addressed as follows:

**Angela Acord
U.S. Environmental Protection Agency Region 7
WWPD/WENF
11201 Renner Blvd.
Lenexa, Kansas 66219**

We appreciate your cooperation and prompt attention to his matter. If you have any questions regarding this information request, please contact Ms. Acord at (913) 551-7914, or acord.angela@epa.gov.

Sincerely,



**Jeffery Robichaud
Acting Director
Water, Wetlands and Pesticides Division**

Enclosures

cc: Ted Peterson, Iowa Department of Natural Resources

ENCLOSURE 1

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your response to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.
7. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Angela Acord
U.S. Environmental Protection Agency Region 7
WWPD/WENF
11201 Renner Blvd.
Lenexa, Kansas 66219

II. Requested Information

Please submit your response to this Information Request within fifteen (15) calendar days of receipt. Please clearly identify your responses with a numbering system corresponding to the questions as listed below. (*See, Section I, Instructions.*) Should the City of Waukee not have the information requested, you must provide a response stating the City of Waukee has no such information, documentation, records, etc. This is required for each numbered or lettered question to which the City of Waukee is unable to provide the requested information.

In addition to documents, please provide copies of any inspection reports, and investigations, and associated photographs. Also include descriptions of any actions taken during inspections, follow-up enforcement action, or any other related actions.

Note that except for a cover letter or memorandum and the Statement of Certification 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format (preferred).

A. Preliminary Information

1. In each response required under Section II.B., identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. Please provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Municipal Separate Storm Sewer System

Period of Review

Unless otherwise stated, the time period for which information is requested is from the effective date of the permit to present.

1. Construction Site Storm Water Runoff Control

Part II, Section D. of the Respondent's NPDES permit states, "The permittee shall continue implementing and enforcing a construction site storm water runoff control program to reduce pollutants in any storm water runoff from construction activities for which storm water permit coverage is required". Related to the requirements in this section:

- i. Provide a copy of the City's construction site runoff control ordinance.

- ii. Provide a description of the review and approval process, for individual site plans and pollution prevention plans the City of Waukee implements.
 - a. A copy of checklist or form used for site plan and pollution prevention plan review process.
 - b. Provide three examples of completed reviews for projects that commenced in 2015 and/or 2016.
 - c. Provide a description of actions taken, if site plans or pollution prevention plans are not approved.
- iii. Provide a list of all individual site plans or pollution prevention plans that the City has reviewed and approved.
- iv. Provide a copy of the inspection report form used to conduct construction site inspections by the City of Waukee.
- v. Provide a list of all construction sites inspections performed by the City of Waukee.
- vi. Provide copies of inspection reports of the construction inspections performed by the City of Waukee from January 1, 2016, through December 31, 2016.
- vii. Provide a copy of any follow-up action, stop work action, enforcement action, penalty, or any other escalation action that occurred as a result of a construction inspection performed by the City of Waukee.

2. Post-construction Storm Water Management

Part II, Section E. of the Respondent's NPDES permit states, "The permittee shall continue implementing and enforcing a program to address storm water runoff from new construction and re-construction projects for which storm water coverage is required. The program must ensure that controls are in place that will prevent or minimize water quality impacts". Related to the requirements in this section:

- i. Provide the post-construction site runoff control policy ordinance.
- ii. Provide a description of the review and approval process for post-construction runoff control plans the City of Waukee implements, including:
 - a. a copy of checklist or form(s) used for plan review.
 - b. provide three examples of completed reviews for public projects that commenced in 2015 and/or 2016.
 - c. provide three examples of completed reviews for private projects that commenced in 2015 and/or 2016.
- iii. Provide a list or inventory of post-construction public and private runoff controls installed.

- iv. Provide a copy of inspection reports from inspections conducted of the municipally owned storm water control devices and structures.
- v. Provide a copy of any follow-up action, enforcement action, penalty, or any other escalation action that occurred as a result of a post-construction storm water control inspection performed by the City of Waukee or enforcement of the post-construction site runoff control policy ordinance.

3. Annual Report

Part III of the Respondent's NPDES permit states, "The permittee shall prepare an annual report to be submitted to the Department no later than February 28 of each calendar year." Related to this requirement:

- i. Provide a complete copy of each annual report

4. MS4 Map

Part IV of Respondent's NPDES permit states, "A map of the MS4, including all outfalls, shall be maintained for the duration of this permit." Related to this requirement:

- i. Submit a current map of the MS4 identifying all outfalls, storm water conveyance channels, and receiving streams.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

